

LAW OFFICES OF DONALD H. HOWE, LLC

*Attorneys at Law*

August 1, 2018

BY FAX AND U.S.MAIL

Honorable Jocelyn Boyd  
Chief Clerk/Administrator  
The Public Service Commission  
State of South Carolina  
101 Executive Center Drive  
Suite 100  
Columbia, SC 29210-8411

RE: Docket No. 2018-212-W – Colleen Walz, Chief of St. John's Fire District,  
Complainant/Petitioner v. Kiawah Island Utility, Inc., Defendant/Respondent

Dear Ms. Boyd:

Please find enclosed Notice of Appearance of Counsel and Response to Defendant's  
Motion to Dismiss and Suspend Schedule.

With kindest regards, I am

Sincerely,



Donald H. Howe

DHH/ghb  
Enclosure

cc: Chief Colleen Walz  
Commissioner Eric Britton  
Commissioner Debra Lehman  
Carl E. Bell, Esquire  
Jeffrey M. Nelson, Esquire

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AUG 01 2018

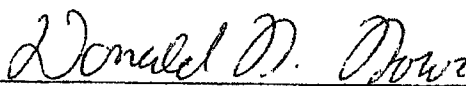
PSC SC  
MAIL / DMS

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2018-212-w**

Colleen Walz, Chief of St. John's Fire  
District, Complainant/Petitioner v. Kiawah  
Island Utility, Incorporated,  
Defendant/Respondent

**NOTICE OF APPEARANCE**

Donald H. Howe hereby affirms that he will appear as counsel on behalf of Colleen Walz, Chief of St. John's Fire District, in the above captioned matter.

  
\_\_\_\_\_  
Donald H. Howe, Esquire  
Attorney for Colleen Walz, Chief  
St. John's Fire District

Dated: Aug 1, 2018

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2018-212-w**

Colleen Walz, Chief of St. John's Fire  
District, Complainant/Petitioner v. Kiawah  
Island Utility, Incorporated,  
Defendant/Respondent

RESPONSE TO  
DEFENDANT/RESPONDENT'S  
MOTION TO DISMISS AND SUSPEND  
SCHEDULE

Complainant, St. John's Fire District, responds as follows to the Motion to Dismiss and Suspend Schedule.


First of all, since the essence of part of the Complaint is that, in effect, persons outside the coverage area of Kiawah Island Utility are being charged for services, the Complainant/Petitioner submits that the issue is more than just a "rate case."

Secondly, Complainant/Petitioner submits that the amount charged represents an unjustifiable windfall that has no rational relationship with the services provided. If this is proven to be correct, then Respondent cannot be said to suffer a "hardship" for having to charge a fair price for services rendered. Indeed, if the matter is dismissed until the next rate hearing, the constituents of the St. John's Fire District would suffer a "hardship" by paying an unfair and exorbitant rate for services should the rate not be examined and adjusted appropriately.

Thirdly, Complainant/Petitioner did not believe the "water rate increase" would extend to the hydrant fees. The hydrant fees have nothing to do with the increase of rates for "water

usage.” When Complainant/Petitioner received notice that water rates may be increased, it did not assume that would affect hydrant fees which have no correlation with water rates/usage.

For the above reasons, Complainant/Petitioner asks that the Motion to Dismiss be denied.



Donald H. Howe, Esquire  
Attorney for Colleen Walz, Chief  
St. John's Fire District

Dated:

Aug. 1, 2018

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2018-212-w**


Colleen Walz, Chief of St. John's Fire  
District, Complainant/Petitioner v. Kiawah  
Island Utility, Incorporated,  
Defendant/Respondent

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that on the 1 day of August 2018, I served a copy of Notice of Appearance of Counsel and Response to Defendant's Motion to Dismiss and Suspend Schedule by placing a copy of same in the United States mail and electronic mail addressed to the following:

Carl E. Bell, Esquire  
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Jeffrey M. Nelson, Esquire  
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Columbia, SC 29201  
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Donald H. Howe, Esquire  
Attorney for Colleen Walz, Chief  
St. John's Fire District

Dated: Aug 1, 2018

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## FAX COVER SHEET

**DATE:** August 1, 2018

**DELIVER TO:** Honorable Jocelyn Boyd  
Chief Clerk/Administrator  
The Public Service Commission

**FAX NUMBER:** 803-896-5246

**FROM:** Donald H. Howe

**OPERATOR:** Don Howe

**RE:** Docket No. 2018-212-W – Colleen Walz, Chief of St.  
John's Fire District, Complainant/Petitioner v. Kiawah  
Island Utility, Inc., Defendant/Respondent

**NO. OF PAGES:** 6, including the cover sheet.

**COMMENTS:**

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